

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22141 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- RAJAOLI District- Nawada

1. Ramotar Rajbanshi S/O VIDESHI RAJBANSHI R/o village- Garhpar Rajauli, P.S.- Rajauli, District- Nawadah
2. Raman Rajbanshi S/o Ramotar Rajbanshi R/o village- Garhpar Rajauli, P.S.- Rajauli, District- Nawadah
3. Bala Rajbanshi S/o Ramotar Rajbanshi R/o village- Garhpar Rajauli, P.S.- Rajauli, District- Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.
For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Arun Kumar, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Rajauli P. S. Case No. 171 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324 and 302 of the Indian Penal Code.



As per the prosecution case, it is alleged that while the brother of the informant, namely, Shivam Kumar along with his friends went to attend nature call on the bank of river, all the accused persons armed with *Tangi*, Iron Rod and *Danda* surrounded them and co-accused Laxman Rajbanshi assaulted his brother by means of *Tangi* due to which he succumbed to injuries.

Learned counsel appearing on behalf of the petitioners submitted that there is general and omnibus nature of allegation against all the accused persons except Laxman Rajbanshi, who has allegedly assaulted the deceased by means of *Tangi*, which resulted into his death. It is further submitted that there is admitted land dispute and co-accused namely, Bharat Rajbandshi against whom there was identical allegation, has already been granted bail by this Hon'ble Court in Cr. Misc. No. 11803 of 2021 vide order dated 05.08.2021. A copy of which has annexed as annexure 2 to this application. It is next submitted that the petitioners are men of fair antecedent and they are in custody since 09.09.2021, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State



opposes the bail application and submits that all the accused persons in furtherance of common intention assaulted the brother of the informant, resulting to his death.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from that one of the co-accused persons having identical allegation has already been granted bail by this Hon'ble Court, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawadah in connection with Rajauli P. S. Case No. 171 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, their bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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